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	9	BEFORE THE BOARD OF REGISTERED NURSING		
	10	DEPARTMENT OF CONSUMER AFFAIRS  STATE OF CALIFORNIA		
	11	DIAIL OF CALIFORNIA		
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	13	In the Matter of the Accusation Against:	Case No. 2010 - 188	
	14	NATASHA MIRONOV		
	15	133 20th Place Manhattan Beach, CA 90266	ACCUSATION	
	16 17	Registered Nurse License No. 499848 Nurse Midwife Advanced Certification No. 1379 Nurse Midwife Furnishing No. 1379		
	18	Respondent.		
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	20	Complainant alleges:		
	21	PARTIES		
	22	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her		
	23	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department		
	24	of Consumer Affairs.		
	25	License History		
	26	2. On or about March 31, 1994, the Board of Registered Nursing issued Registered		
	27	Nurse License Number 499848 to Natasha Mironov ("Respondent"). The license was in full		
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force and effect at all times relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

- 3. On or about March 15, 1999, the Board of Registered Nursing issued Nurse Midwife Advanced Certification Number 1379 to Respondent. The Nurse Midwife Advanced Certification was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.
- 4. On or about October 12, 1999, the Board of Registered Nursing issued Nurse Midwife Furnishing Number 1379 to Respondent. The Nurse Midwife Furnishing was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

## **JURISDICTION**

- 5. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.
- 6. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 7.. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 8. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

### STATUTORY PROVISIONS

9. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, ...
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
- 10. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.
- (c) Be convicted of a criminal offense involving the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.
- 11. Code section 4060 states, in pertinent part: "No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife . . ., a nurse practitioner . . ., or a physician assistant, or a pharmacist. . . ."
- 12. Health and Safety Code Section 11173, subdivision (a), provides that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

#### **COST RECOVERY**

13. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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### 14. DRUGS

"Ambien," is a brand of zolpidem tartrate and a Schedule IV controlled substance as designated by Health and Safety Code section 11057.

"Norco," a combination drug containing Hydrocodone Bitartrate and Aacetaminophen, is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

"Xanax," a brand of Alprazolam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(1).

## **BACKGROUND**

15. Sometime in 2000, Respondent was hired as a mid-level provider in the capacity of a nurse midwife at Kaiser Permanente Medical Center, Baldwin Park facility. Respondent did outpatient clinic care and inpatient labor and delivery care. Kaiser policy was for Respondent to be paired with a physician for prescribing purposes as her issued DEA number had a limited scope and sometimes would require consultation with a physician for prescribing purposes. In approximately July of 2007, Respondent left her full-time employment with Kaiser and converted to per diem status. Between approximately April 13, 2007 and July 15, 2008, Respondent prescribed controlled substances to herself and M.B, her roommate, using printed Kaiser prescription pads that contained both her name, the assigned physician's name, and their respective DEA numbers.

# FIRST CAUSE FOR DISCIPLINE

### (Criminal Conviction)

16. Respondent is subject to disciplinary action under Code section 2761, subdivision (f), in that on or about November 14, 2008, in the Superior Court of California, County of Los Angeles, in the case entitled, *People of the State of California v. Natasha Mironov* (Super Ct. Los Angeles County, 2008, Case No. SA068912), Respondent was convicted on her plea of guilty to a lesser charge of violating Health and Safety Code section 11350, subdivision (a) (Possession of Controlled Substances), a felony. Such crime is substantially related to the qualifications, functions, and duties of a registered nurse.

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### SECOND CAUSE FOR DISCIPLINE

# (Criminal Conviction Involving Possession of a Controlled Substance)

17. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that Respondent was convicted of a crime involving the possession of controlled substances, as set forth in paragraph 16, above.

## THIRD CAUSE FOR DISCIPLINE

# (Obtained and Possessed in Violation of Law, and

## Prescribed, and Self-Administered Controlled Substance)

- 18. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that while employed as a Certified Nurse Midwife at Kaiser Permanente Baldwin Park Medical Center, in Baldwin Park, California, and after leaving employment of that facility, Respondent committed the following acts:
- a. Between April 13, 2007, and July 15, 2008, Respondent obtained Norco, Ambien and Xanax by fraud, deceit, misrepresentation or subterfuge, or by a concealment of material fact, in that Respondent submitted multiple prescriptions written under the name of Cynthia Dale, M.D. and herself, using both their Kaiser issued DEA numbers, to Costco, Target, Rite Aid, and CVC pharmacies, for herself and on behalf of M.B, her roommate, in violation of Health and Safety Code section 11173, subdivision (a).
- b. Respondent prescribed for herself and M.B., controlled substances, without lawful authority.
- c. Respondent possessed controlled substances, as set forth in paragraph 16, above, without a valid prescription, in violation of Code section 4060 and Health and Safety Code section 11350, subdivision (a).
- d. Respondent self-administered Ambien, a controlled substance, without lawful authority.

## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 499848 issued to Natasha Mironov.
- 2. Revoking or suspending Nurse Midwife Advanced Certification Number 1379 issued to Natasha Mironov;
- 3. Revoking or suspending Nurse Midwife Furnishing Number 1379 issued to Natasha Mironov;
- 4. Ordering Natasha Mironov to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
  - 5. Taking such other and further action as deemed necessary and proper.

DATED: 10/5/09

LOUISE R. BAILEY, M.Ed., RN

Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs

State of California Complainant

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